

IN THE STATE OF NEW MEXICO
COUNTY OF TAOS
EIGHTH JUDICIAL DISTRICT

FXR

WAYNE RUTHERFORD,

Plaintiff,

v.

THEODORE PUTNAM,
CTL THOMPSON, INC. and
GREGORY SOPYN,

Defendant.

COMPLAINT FOR MONEY DAMAGES

COMES NOW, Plaintiff, by and through his attorneys WILL FERGUSON &
ASSOCIATES (William S. Ferguson), and for his cause of action against Defendants will show
the Court as follows:

GENERAL ALLEGATIONS

1. Plaintiff Wayne Rutherford is an individual residing in Taos, New Mexico.
2. Defendant Theodore Putnam is an individual residing in Denver, Colorado.
3. Defendant CTL Thompson, Inc. is a corporation with its principle place of
business in Denver, Colorado, transacting business in the State of New Mexico as CTL Material
Engineers.
4. Defendant Gregory Sopyn is an individual residing in Rinconada, New Mexico.
5. This cause of action arises out of an automobile accident occurring on September
16, 2011, on State Road 68, in Rinconada, New Mexico.
6. On September 16, 2011, at approximately 9:45 a.m., a vehicle collision occurred
when a 2006 Ford pickup truck operated by the Defendant Theodore Putnam (hereinafter

EXHIBIT

A

“Defendant Putnam”) crossed the center line and struck a 2003 Chevrolet pickup truck being driven by Plaintiff head-on, totaling both vehicles.

7. At the time of the collision, Defendant Gregory Sopyn (hereinafter “Defendant Sopyn”), operating his 2005 Saturn vehicle, was attempting to commence a left turn into a highway business when he was passed by the vehicle owned by Defendant CTL Thompson, Inc. (hereinafter “Defendant CTL”), and driven by Defendant Putnam.

COUNT I

NEGLIGENCE AND NEGLIGENCE PER SE OF DEFENDANT PUTNAM

8. Plaintiff realleges all the preceding allegations as if set forth fully herein.

9. There was in effect at the time of the accident, as part of the New Mexico State Motor Vehicle Code, statutes providing that:

- A. Driver shall devote their full time and attention to the roadway;
- B. Driver shall maintain their lane of traffic;
- C. Driver shall not attempt to pass unless it is safe to do so;
- D. Driver shall not follow too closely to the vehicle in front of them; and
- E. Driver shall at all times keep full control of their vehicle.

10. Defendant Putnam operated his vehicle in such a way as to cross into Plaintiff’s lane of traffic, causing the collision, in a manner that was negligent and negligent per se. Defendant Putnam negligently did not devote his full time and attention to the roadway, failed to keep a proper distance, failed to stay in his lane of traffic, negligently failed to make a safe passing maneuver, and otherwise acted negligently, causing the subject collision.

11. As a result of the Defendant Putnam’s negligence as aforesaid, Plaintiff suffered damages in the form of a fractured wrist, head injuries, contusions, sprains and abrasions, past

and future medical bills, past and future pain and suffering and disability, and loss of past and future income.

WHEREFORE, Plaintiff prays judgment against the Defendant Putnam for his consequential damages as may be proven at trial, for pre and post judgment interest, for his costs incurred herein, and such other and further relief as the Court may deem proper in the premises.

COUNT II

RESPONDEAT SUPERIOR AND NEGLIGENCE OF CTL THOMPSON

12. Plaintiff realleges all the prior allegations as if set forth fully herein.

13. Defendant Putnam, in operating his vehicle as aforesaid, did so in the course and scope of his employment with Defendant CTL Thompson, Inc., rendering Defendant CTL Thomson responsible for Putnam's negligence under the doctrines of agency and respondeat superior.

14. Defendant CTL Thompson negligently hired, trained, supervised, and retained the Defendant Putnam in such a way as to cause the negligent operation of the Putnam motor vehicle, proximately causing Plaintiff's damages alleged herein.

WHEREFORE, Plaintiff prays judgment against the Defendant CTL Thompson for his consequential damages as may be proven at trial, for pre and post judgment interest, and for his costs incurred herein, and such other and further relief as the Court may deem proper in the premises.

COUNT III

PUNITIVE DAMAGES AGAINST PUTNAM

15. Plaintiff realleges all the prior allegations as if set forth fully herein.

16. Defendant Putnam, in operating his vehicle as aforesaid, did so illegally, willfully, wantonly, and with such reckless disregard of the rights of Plaintiff as to entitle Plaintiff to punitive or exemplary damages in an amount sufficient to deter similar conduct in the future.

WHEREFORE, Plaintiff prays judgment against the Defendant Putnam for punitive or exemplary damages in an amount as may be proven at trial, for pre and post judgment interest, and for his costs incurred herein, and such other and further relief as the Court may deem proper in the premises.

COUNT IV

NEGLIGENCE AND NEGLIGENCE PER SE OF SOPYN

17. Plaintiff realleges all the prior allegations as if set forth fully herein.

18. There was in effect at the time of the accident, as part of the New Mexico State Motor Vehicle Code, a statute providing that any driver attempting to make a left turn across oncoming lanes of traffic shall engage a signal signifying his intent to do so.

19. Defendant Sopyn violated this statute and operated his vehicle in such a way as to cause or negligently contribute to the subject collision.

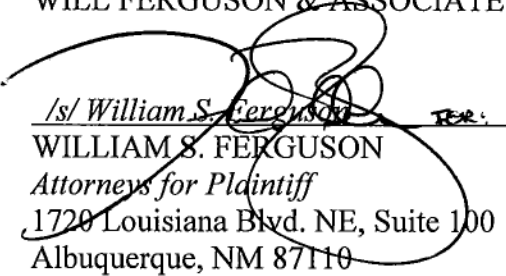
20. As a result of the Defendant Sopyn's negligence and negligence per se as aforesaid, Plaintiff suffered damages in the form of a fractured wrist, head injuries, contusions, sprains and abrasions, past and future medical bills, and past and future pain and suffering, and loss of past and future income.

21. Defendant Sopyn, in acting as aforesaid, did so illegally, willfully, and wantonly, entitling Plaintiff to punitive or exemplary damages in a sum sufficient to deter similar conduct in the future.

WHEREFORE, Plaintiff prays judgment against the Defendant Sopyn for his consequential damages as may be proven at trial, for punitive damages for pre and post judgment interest, and for his costs incurred herein, and such other and further relief as the Court may deem proper in the premises.

Respectfully submitted:

WILL FERGUSON & ASSOCIATES



/s/ William S. Ferguson *FER:*
WILLIAM S. FERGUSON
Attorneys for Plaintiff
1720 Louisiana Blvd. NE, Suite 100
Albuquerque, NM 87110
Phone: 505 243-5566
Fax: 505 243-5699

STATE OF NEW MEXICO
COUNTY OF TAOS
EIGHTH JUDICIAL DISTRICT

FXR

NO. D-820-CV-2014-300
WAYNE RUTHERFORD
Plaintiffs,

vs.

THEODORE PUTNAM, CTL THOMPSON, INC.
and GREGORY SOPYN

Defendant.

NOTICE

LR8-402 of the Local Rules for the Eighth Judicial District Court requires that a Civil Case Information Sheet in the form set forth in LR 8-Form 4, be filed with a pleading initiating a civil action and with a parties' answer or responsive pleading.

You are hereby required to file the Civil Case Information Sheet **within thirty (30) days** of the date of the filing of this Notice.

Plaintiff's failure to file the required Civil Case Information Sheet **may result in a dismissal** without prejudice of this case.

Defendant's failure to file the required Civil Case Information Sheet **may result in sanctions** allowed under the Rules of Civil Procedure for District Courts.

BERNABE P. STRUCK
DISTRICT COURT CLERK

Francesca Romero- Court Clerk II Notice was served to counsel/parties of record on this 14th day of August, 2014.



Francesca Romero- Court Clerk II

STATE OF NEW MEXICO
 COUNTY OF TAOS
 EIGHTH JUDICIAL DISTRICT COURT

NO.

Wayne Rutherford
 Plaintiff(s),

No. D. 820-CV-2014.00300

vs.

Theodore Putnam, CTL THOMPSON, LLC.
 Defendant(s)

d Gregory Sopyn.

PLAINTIFF(S) - DEFENDANT(S)
 CIVIL CASE INFORMATION SHEET

I. Judge Assigned:

II. Jury 6 _____ Jury 12 X Non-Jury _____

III. Parties:

A. Plaintiff(s)	Wayne Rutherford	Plaintiff's attorney	William S. Ferguson
Address	90 Will Ferguson	Address	1720 Louisiana Blvd NE
Telephone number	505.243.5566	Telephone number	505.243.5566 #100
B. Defendant(s)	Theodore Putnam	Defendant's attorney	
Address	Aurora, Co	Address	N/A
Telephone number		Telephone number	
C. Other party(ies)	CTL Thompson Inc	Other party(ies) attorney	
Address	Denver, Co	Address	N/A
Telephone number	303.356.7924	Telephone number	

D. Gregory Sopyn

IV. Date the Complaint was filed: 8.14.12

Estimated date by which all parties will be served: 9.12.14

Estimated date by which all parties will be of record: 10.13.14

V. Cause of Action: Plaintiff (P) / Defense (D) - Give a brief explanation of the cause of action or defense.

Automobile accident

VI. Estimated number of witnesses: 5 - 10
Estimated number of expert witnesses: 1 - 5

VII. Estimated period of time needed for discovery: 6 mos.

VIII. Estimate when this case will be ready for trial: 2015

IX. Estimate the number of days needed for trial: 3 - 4 days

X. Track assignment requested: (Expedited, Standard or Complex. Refer to definitions of tracks contained in Differentiated Case Management / Civil Cases Information Packet).

Briefly state the reason for the requested track assignment.

Standard
ref

Attorney for Plaintiff-Defendant or
Self-represented Plaintiff-Defendant
Address
Telephone number

THE ATTORNEY OR SELF-REPRESENTED PARTY IS HEREBY GIVEN NOTICE THAT
A COPY OF THIS CIVIL CASE INFORMATION SHEET MUST BE DELIVERED TO THE
ASSIGNED JUDGE.

4-206. Summons.

[For use with District Court Civil Rule 1-004 NMRA]

SUMMONS	
District Court: EIGHTH JUDICIAL Taos County, New Mexico Court Address: 105 Albright Street, Ste. N Taos, New Mexico 87571 Court Telephone No.: 575-758-3173	Case Number: D.820.CV.2014.00300 Assigned Judge: The Honorable Sarah Backus
WAYNE RUTHERFORD, Plaintiff, v. THEODORE PUTNAM, CTL THOMPSON, INC. and GREGORY SOPYN, Defendant.	Defendant CTL THOMPSON, INC. 22 Lipan Street Denver, CO 80223 303-356-7924

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

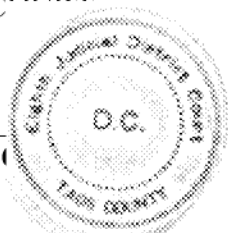
1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Taos, New Mexico, this 19th day of August, 2014.

BERNABE P. STRUCKBERNABE P. STRUCK
CLERK OF DISTRICT COURT

By:

Francesca Romero Court Clerk



/s/ William S. Ferguson

Signature of Attorney for Plaintiff/Pro Se Party

WILLIAM S. FERGUSON

Attorneys for Plaintiffs

1720 Louisiana Blvd. NE, Suite 100
Albuquerque, NM 87110

Phone: 505 243-5566
Fax: 505 243-5699
dave@fergusonlaw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN¹

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, complaint, and initial discovery attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*).

[] to _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: _____

Signature of person making service

Title (*if any*)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

4-206. Summons.

FXR

[For use with District Court Civil Rule 1-004 NMRA]

SUMMONS	
District Court: EIGHTH JUDICIAL Taos County, New Mexico Court Address: 105 Albright Street, Ste. N Taos, New Mexico 87571 Court Telephone No.: 575-758-3173	Case Number: D.820.CV.2014.00300 Assigned Judge: The Honorable Sarah Backus
WAYNE RUTHERFORD, Plaintiff, v. THEODORE PUTNAM, CTL THOMPSON, INC. and GREGORY SOPYN, Defendant.	Defendant GREGORY SOPYN 575-579-4223

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Taos, New Mexico, this 19th day of August, 2014.

BERNABE P. STRUCKBERNABE P. STRUCK
CLERK OF DISTRICT COURTBy: 
Francesca Romero Court Clerks/ William S. Ferguson
Signature of Attorney for Plaintiff/Pro Se Party

RETURN¹

[illegible]

(check one box and fill in appropriate blanks)

[] to the defendant _____ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

[] to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[] to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, *(used when the defendant is not presently at place of abode)* and by mailing by first class mail to the defendant at _____ *(insert defendant's last known mailing address)* a copy of the summons and complaint.

[] to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

[] to _____, an agent authorized to receive service of process for
defendant _____.

[] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (used when defendant is a minor or an incompetent person).

[] to _____ (name of person), _____, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

4-206. Summons.

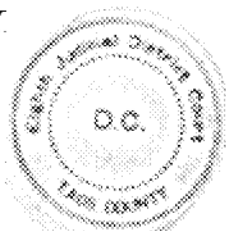
[For use with District Court Civil Rule 1-004 NMRA]

SUMMONS	
District Court: EIGHTH JUDICIAL Taos County, New Mexico Court Address: 105 Albright Street, Ste. N Taos, New Mexico 87571 Court Telephone No.: 575-758-3173	Case Number: D.820.CV.2014.00300 Assigned Judge: The Honorable Sarah Backus
WAYNE RUTHERFORD, Plaintiff, v. THEODORE PUTNAM, CTL THOMPSON, INC. and GREGORY SOPYN, Defendant.	Defendant THEODORE PUTNAM 14555 E. 12 th Ave. Aurora, CO

TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Taos, New Mexico, this 19th day of August, 2014.

BERNABE P. STRUCKBERNABE P. STRUCK
CLERK OF DISTRICT COURTBy *FRANCESCO ROMERO*
Francesca Romero Court Clerk/s/ William S. FergusonSignature of Attorney for Plaintiff/Pro Se Party
WILLIAM S. FERGUSON

RETURN¹

(check one box and fill in appropriate blanks)

[] to _____, an agent authorized to receive service of process for defendant _____.

[] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*).

[] to _____ (*name of person*), _____, (*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: _____

Signature of person making service

Title (*if any*)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

IN THE STATE OF NEW MEXICO
COUNTY OF TAOS
EIGHTH JUDICIAL DISTRICT

WAYNE RUTHERFORD,

Plaintiff,

v.

No. D.820.CV.2014.00300

THEODORE PUTNAM,
CTL THOMPSON, INC. JOHN DOE
and AGNES YAZZIE,

Defendants.

AMENDED COMPLAINT FOR MONEY DAMAGES

COMES NOW, Plaintiff, by and through his attorneys WILL FERGUSON &
ASSOCIATES (William S. Ferguson), and for his cause of action against Defendants will show
the Court as follows:

GENERAL ALLEGATIONS

1. Plaintiff Wayne Rutherford is an individual residing in Taos, New Mexico.
2. Defendant Theodore Putnam is an individual residing in Denver, Colorado.
3. Defendant CTL Thompson, Inc. is a corporation with its principle place of
business in Denver, Colorado, transacting business in the State of New Mexico as CTL Material
Engineers.
4. Defendant Agnes Yazzie is an individual residing in Kirtland, New Mexico,
owner of a 2004 Saturn sedan. Defendant John Doe is named as a Defendant as the possible
driver of the Yazzie vehicle, if not Agnes Yazzie.
5. This cause of action arises out of an automobile accident occurring on September
16, 2011, on State Road 68, in Rinconada, New Mexico.

6. On September 16, 2011, at approximately 9:45 a.m., a vehicle collision occurred when a 2006 Ford pickup truck operated by the Defendant Theodore Putnam (hereinafter “Defendant Putnam”) crossed the center line and struck a 2003 Chevrolet pickup truck being driven by Plaintiff head-on, totaling both vehicles.

7. At the time of the collision, Defendant Agnes Yazzie (hereinafter “Defendant Yazzie”) or the Defendant John Doe (hereinafter “Defendant Doe”), operating her beige Saturn vehicle, was slowing or stopping in the northbound lane of travel when she was passed by the vehicle owned by Defendant CTL Thompson, Inc. (hereinafter “Defendant CTL”), and driven by Defendant Putnam.

COUNT I

NEGLIGENCE AND NEGLIGENCE PER SE OF DEFENDANT PUTNAM

8. Plaintiff realleges all the preceding allegations as if set forth fully herein.

9. There was in effect at the time of the accident, as part of the New Mexico State Motor Vehicle Code, statutes providing that:

- A. Driver shall devote their full time and attention to the roadway;
- B. Driver shall maintain their lane of traffic;
- C. Driver shall not attempt to pass unless it is safe to do so;
- D. Driver shall not follow too closely to the vehicle in front of them; and
- E. Driver shall at all times keep full control of their vehicle.

10. Defendant Putnam operated his vehicle in such a way as to cross into Plaintiff’s lane of traffic, causing the collision, in a manner that was negligent and negligent per se. Defendant Putnam negligently did not devote his full time and attention to the roadway, failed to

keep a proper distance, failed to stay in his lane of traffic, negligently failed to make a safe passing maneuver, and otherwise acted negligently, causing the subject collision.

11. As a result of the Defendant Putnam's negligence as aforesaid, Plaintiff suffered damages in the form of a fractured wrist, head injuries, contusions, sprains and abrasions, past and future medical bills, past and future pain and suffering and disability, and loss of past and future income.

WHEREFORE, Plaintiff prays judgment against the Defendant Putnam for his consequential damages as may be proven at trial, for pre and post judgment interest, for his costs incurred herein, and such other and further relief as the Court may deem proper in the premises.

COUNT II

RESPONDEAT SUPERIOR AND NEGLIGENCE OF CTL THOMPSON

12. Plaintiff realleges all the prior allegations as if set forth fully herein.

13. Defendant Putnam, in operating his vehicle as aforesaid, did so in the course and scope of his employment with Defendant CTL Thompson, Inc., rendering Defendant CTL Thomson responsible for Putnam's negligence under the doctrines of agency and respondeat superior.

14. Defendant CTL Thompson negligently hired, trained, supervised, and retained the Defendant Putnam in such a way as to cause the negligent operation of the Putnam motor vehicle, proximately causing Plaintiff's damages alleged herein.

WHEREFORE, Plaintiff prays judgment against the Defendant CTL Thompson for his consequential damages as may be proven at trial, for pre and post judgment interest, and for his costs incurred herein, and such other and further relief as the Court may deem proper in the premises.

COUNT III

PUNITIVE DAMAGES AGAINST PUTNAM

15. Plaintiff realleges all the prior allegations as if set forth fully herein.

16. Defendant Putnam, in operating his vehicle as aforesaid, did so illegally, willfully, wantonly, and with such reckless disregard of the rights of Plaintiff as to entitle Plaintiff to punitive or exemplary damages in an amount sufficient to deter similar conduct in the future.

WHEREFORE, Plaintiff prays judgment against the Defendant Putnam for punitive or exemplary damages in an amount as may be proven at trial, for pre and post judgment interest, and for his costs incurred herein, and such other and further relief as the Court may deem proper in the premises.

COUNT IV

NEGLIGENCE AND NEGLIGENCE PER SE OF YAZZIE

17. Plaintiff realleges all the prior allegations as if set forth fully herein.

18. There was in effect at the time of the accident, as part of the New Mexico State Motor Vehicle Code, a statute providing that any driver turning from the lane of travel shall engage a signal signifying his or her intent to do so.

19. There was in effect at the time of the accident, as part of the New Mexico State Motor Vehicle Code, a statute providing that no person shall operate a motor vehicle at such a slow speed as to impede the normal flow of traffic.

20. Defendant Yazzie violated this statute and operated her vehicle in such a way as to cause or negligently contribute to the subject collision.

21. Upon information and belief, Defendant Yazzie may have negligently entrusted the vehicle to Defendant Doe.

22. As a result of the Defendant Yazzie's negligence and negligence per se as aforesaid, Plaintiff suffered damages in the form of a fractured wrist, head injuries, contusions, sprains and abrasions, past and future medical bills, and past and future pain and suffering, and loss of past and future income.

23. Defendant Yazzie, in acting as aforesaid, did so illegally, willfully, and wantonly, entitling Plaintiff to punitive or exemplary damages in a sum sufficient to deter similar conduct in the future.

WHEREFORE, Plaintiff prays judgment against the Defendant Yazzie for her consequential damages as may be proven at trial, for punitive damages for pre and post judgment interest, and for his costs incurred herein, and such other and further relief as the Court may deem proper in the premises.

COUNT V

NEGLIGENCE AND NEGLIGENCE PER SE OF DEFENDANT DOE

24. Plaintiff realleges all the prior allegations as if set forth fully herein.

25. There was in effect at the time of the accident, as part of the New Mexico State Motor Vehicle Code, a statute providing that any driver turning from the lane of travel shall engage a signal signifying his or her intent to do so.

26. There was in effect at the time of the accident, as part of the New Mexico State Motor Vehicle Code, a statute providing that no person shall operate a motor vehicle at such a slow speed as to impede the normal flow of traffic.

27. Defendant Doe violated this statute and operated his vehicle in such a way as to cause or negligently contribute to the subject collision.

28. As a result of the Defendant Doe's negligence and negligence per se as aforesaid, Plaintiff suffered damages in the form of a fractured wrist, head injuries, contusions, sprains and abrasions, past and future medical bills, and past and future pain and suffering, and loss of past and future income.

29. Defendant Doe, in acting as aforesaid, did so illegally, willfully, and wantonly, entitling Plaintiff to punitive or exemplary damages in a sum sufficient to deter similar conduct in the future.

WHEREFORE, Plaintiff prays judgment against the Defendant Doe for his consequential damages as may be proven at trial, for punitive damages for pre and post judgment interest, and for his costs incurred herein, and such other and further relief as the Court may deem proper in the premises.

Respectfully submitted:

WILL FERGUSON & ASSOCIATES

/s/ William S. Ferguson
WILLIAM S. FERGUSON
Attorneys for Plaintiff
1720 Louisiana Blvd. NE, Suite 100
Albuquerque, NM 87110
Phone: 505 243-5566
Fax: 505 243-5699

4-206. Summons.

FXR

[For use with District Court Civil Rule 1-004 NMRA]

SUMMONS FIRST AMENDED COMPLAINT	
District Court: EIGHTH JUDICIAL Taos County, New Mexico Court Address: 105 Albright Street, Ste. N Taos, New Mexico 87571 Court Telephone No.: 575-758-3173	Case Number: D.820.CV.2014.00300 Assigned Judge: The Honorable Sarah Backus
WAYNE RUTHERFORD, Plaintiff, v. THEODORE PUTNAM, CTL THOMPSON, INC. JOHN DOE and AGNES YAZZIE, Defendant.	Defendant CTL THOMPSON, INC. 22 Lipan Street Denver, CO 80223 303-356-7924

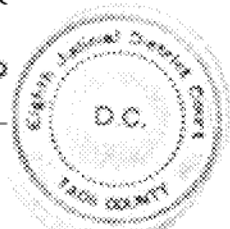
TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Taos, New Mexico, this 3rd day of September, 2014.

BERNABE P. STRUCK

CLERK OF DISTRICT COURT

By: 
Court Clerk II


/s/ William S. Ferguson

Signature of Attorney for Plaintiff/Pro Se Party
WILLIAM S. FERGUSON

RETURN¹

[] to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of

defendant _____ (*used when defendant is a minor or an incompetent person*).